

**MINUTES OF THE ZONING BOARD  
REGULAR MEETING, HELD MONDAY,  
MARCH 10, 2014, 7:00 P.M., 7<sup>TH</sup> FLOOR, LAND USE  
CONFERENCE AREA, GOVERNMENT CENTER  
BUILDING, 888 WASHINGTON BLVD,  
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Barry Michelson (arriving late), William Morris, Rosanne McManus, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen (arriving late).

Chairman Mills called the meeting to order at 7:15 p.m. Alternate David Stein was seated for Barry Michelson. Ms. Gwozdzowski was seated to fill the current vacant seat on the Board.

Ms. Gwozdzowski made a motion to change the order of the agenda, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Mr. Killeen arrived at 7:20pm.

**REGULAR MEETING**

**OLD BUSINESS**

1. **Application 213-07 – RMS 750 SUMMER STREET, LLC, 750-760 Summer Street, Special Exception** - special exception to construct a six-story residential development (*administrative review of exterior canopy per Condition #c*) (*continued from March 3, 2014*).

Mr. Cole distributed materials submitted to the Board to be reviewed. Mr. Mills noted, and Mr. Killeen confirmed, the canopy would not be illuminated but the front of the building would be illuminated by wall sconces and street lights.

After a brief discussion, Ms. McManus made a motion to approve the exterior canopy, seconded by Mr. Morris and approved 4 to 0 (Mills, Morris, McManus and Gwozdzowski).

2. **Application 96-024, 207-05 - O&G Industries, 72 Davenport Street**, stipulated agreement to resolve court appeal.

Mr. Cole introduced Attorney Jim Minor. Attorney Minor explained the history of litigation and pending appeal since 2009. He described elements of the settlement including condemnation which is approved for acquisition of land for turnaround and a land swap. Attorney Minor would like to go to Court to finalize the settlement.

Attorney William Hennessey, for the Applicant, provided an overview of the O&G proposal. First is the location on Davenport. Second, the parcel is 8.2 acres along the waterfront. This discussion is focused on the northern part of the site. Finally, approved site plan included

provisions for public access and use of walls and landscape buffers to block the O&G activities from public view. The Zoning Board approved the site plan but O&G appealed because they felt the requirements for public access were excessive and unsafe. Material aggregate cannot exceed the height of the bin walls and the walls are 10 feet high on the north side. Multiple approvals are still required: Board of Reps, Planning Board, Mayor, Director of Operations.

Mr. Mills asked about screening if they could increase the height of the north wall to 12 feet? Attorney Minor said they would investigate and answer that.

Wes Stout, Landscape Architect, described the planting plan, spruce trees 8-10 feet and juniper, plus berms of various heights. Mr. Mills said he'd want to see ivy. O&G is giving twice as much land as it is getting from the City. [Mr. Michelson arrived at 7:56pm and replaced Alternate, Mr. Stein]

Mr. Cole asked if the trees could be planted at the same time the wall is built? Attorney Hennessey said yes they would do that.

Attorney Minor asked if the Zoning Board could change the wall height to 12 feet. Attorney Hennessey said okay and they will keep the bin walls at 10 feet.

After a brief discussion by the Board, Mr. Mills said the Board would continue discussion on this item at the Board's next meeting on March 24, 2014 to be held at the Government Center on the 4<sup>th</sup> floor cafeteria at 7:00pm.

Ms. McManus moved to return to the original order of the agenda, seconded by Ms. Gwozdzowski and the motion was unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

### **APPROVAL OF MINUTES:**

#### **Minutes of February 24, 2014**

After a brief discussion, Mr. Morris moved to approve the minutes as amended. Ms. Gwozdzowski seconded the motion and the minutes were unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

#### **Minutes of March 3, 2014**

After a brief discussion, Mr. Michelson moved to approve the minutes as amended and with the additional language submitted by Mr. Michelson. Ms. McManus seconded the motion and the minutes were unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

### **PENDING APPLICATIONS:**

1. Application 213-46 – Zoning Map Amendment – TR EASTVIEW, LLC

Mr. Mills read the description of the proposed map change into the record.

After a brief discussion, Mr. Morris moved to approve application 213-46 for the map change. Ms. Gwozdzowski seconded the motion and the map change was unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

2. Application 213-47 – TR EASTVIEW, LLC, 545-573 Bedford Street, Special Exception, General Development Plan and Final Site & Architectural Plans

Mr. Mills read the description of the proposed project into the record.

The Board discussed the draft conditions prepared by Staff.

Ms. McManus said there'd been a lot of discussion about it being too late in the process for people to ask the Board to save this historical property. We need to find a way to identify buildings ahead of time. Ms. McManus doesn't think this building is valuable enough to save especially since it was used as a funeral home for so long.

Ms. Gwozdzowski agrees it is too late to save this house. She is concerned about parking though.

Mr. Morris agrees with Ms. McManus that it is too late. He feels fewer parking spaces should be required.

Mr. Michelson said he felt it is too late to save this historical property and is concerned about parking. He wants to see more relevant information on zip cars for communities the size of Stamford.

Ms. McManus moved to approve application 213-47 as amended with conditions. Mr. Morris seconded the motion and the special exception, general development plans and final site and architectural plan for TR Eastview, LLC was unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski). Conditions will read as follows:

***WHEREAS**, the Zoning Board has received applications for approval of General Development Plan, Final Site & Architectural Plans & Requested Uses as well as Special Exception approval submitted by TR Eastview, LLC for a project consisting of a 6 story building containing 82 residential units, indoor and outdoor community amenity space, and 76 parking spaces with two shared vehicles, and associated site plan improvements on property located at 545-573 Bedford Street in the MX-D District, pursuant to the "Infill Development" standards of the MX-D Regulations; and*

***WHEREAS**, the approved Site & Architectural Plan & Requested Uses and Special Exception applications are more particularly described in a set of architectural plans entitled: "G-CO Cover", "G-001 Perspective", "G-002 Perspective", "G-003 Material Sample Board", "G-004 Vignette", "A-101 Illustrative Site Plan", "A-110 Basement Level Plan: B1", "A-111 Ground Level Plan: G1", "A-112 2<sup>nd</sup> Floor Plan: R1", "A-113 Typical Floor Plan: R2-R5", "A-114 Penthouse Floor Plan: PH", "A-201 Elevation 1: North", "A-202 Elevation 2: West", "A-203 Elevation 3: South", "A204 Elevation 4: East", "A-301 Building Section 1", "A-302 Building Section 2", "A-401 Typical Unit*

*Plans”, “A-402 Typical Unit Plans”, “A-403 Lobby + Amenity Floor Plans”, and “A-404 Roof Terrace Plan” prepared by Lessard Design, Inc. and dated December 9, 2013, revised February 20, 2014; civil and survey drawings: Property & Topographic Survey, Zoning Location Survey, “SE-1 Site & Utilities”, “SE-2 Grading”, “SE-3 Sediment & Erosion Control”, and “SE-4 Notes & Details”, prepared by Redniss & Mead and dated December 9, 2013; and landscape plans: “L-01 Planting Plan”, “L-02 Grading Plan”, “L-03 Materials Plan”, “L-04 Details”, and “L-05 Green Roof”, prepared by Aris Land Studio and dated December 9, 2013 and such related materials, reports and exhibits constituting the application file as may be amended to be consistent with representations made during the public hearing on February 24, 2014 and March 3, 2014 and conditions contained herein. Together all of these documents are referred to hereinafter as the Building and Site Plans; and*

**WHEREAS**, *the Zoning Board conducted a duly called public hearing on February 24, 2014 continued to March 3, 2014, and has considered the submitted comments of other interested City agencies, officials and the general public;*

**WHEREAS**, *the Zoning Board makes the following special findings:*

- *The Site & Architectural Plan & Requested Uses and Special Exception applications, as herein modified, conform to the standards, goals, purposes and specific objectives of the MX-D Infill Development Zoning Regulations and the Stamford Master Plan as well as all of the standards of Sections 7.2 and 19-3.2 of the Stamford Zoning Regulations.*
- *The applications establish appropriate uses, utilize a sensitive design and include a pedestrian-friendly streetscape environment.*
- *The proposed building design and materials are of superior quality.*
- *The relationship of yard requirements to the location of the structure provides an appropriate separation of structures to assure adequate light, open space, screening, landscape, safety and privacy for existing and proposed dwelling units.*
- *The applications appropriately create new dwelling units in an underutilized area of the Downtown and improve the existing streetscape environment.*

**NOW THEREFORE BE IT RESOLVED** *that the Zoning Board approves Application 213-47 requesting General Development Plan approval, Final Site and Architectural Plan approval and Special Exception approval, subject to the following conditions:*

**SITE-SPECIFIC CONDITIONS:**

- 1) *All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff.*
- 2) *Prior to the issuance of a Building Permit, sewer, streetscape, and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau. Applicant shall address comments of Susan Kiskin, P.E. in her memorandum dated December 27, 2013.*
- 3) *Prior to issuance of a Building Permit, applicant shall obtain a discharge permit from the Stamford Water Pollution Control Authority and shall provide information requested in the January 13, 2014 memorandum from Prakash Chakravarti, P.E., Supervising Engineer, and Stephen W. Pietrzyk, Regulatory Compliance Officer.*
- 4) *Prior to the issuance of a Certificate of Occupancy, applicant shall install street print crosswalks at the intersections of Bedford Street at Walton Place and Bedford Street at North Street as requested by Mani Poola in his memorandum dated January 6, 2014. Additionally, applicant shall install new sidewalks and curbs along the east side of Bedford Street between Walton Place and North Street (connecting the two crosswalks), in the City-adopted Railtrail design. Work shall be performed by applicant at its own cost and installation methods and pattern shall be approved by the City of Stamford. This work shall represent the full extent of applicant's offsite contribution.*
- 5) *Prior to the issuance of a Certificate of Occupancy, the Applicants shall record on the Stamford Land Records an Affordability Plan, in accordance with the standards of Section 7.4 of the Zoning Regulations, permanently establishing on-site a total of seven (7) BMR units, subject to Zoning Board staff approval.*
- 6) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Parking Management Plan, consistent with definition 71.5, subject to Zoning Board staff approval. Said Plan shall include provisions for semiannual reports to the Zoning Board, for a three year period beginning at 75% occupancy, reporting performance of the reduced parking to include information such as the residential occupancy rates, car ownership rates per unit, actual parking counts at AM and PM commuting times, mid-day and overnight, shared vehicle use, offsite leased parking spaces (if any), complaint history and other information as required by the Zoning Board staff. Based on the results of that report, the Zoning Board may, at its discretion, require the applicant to modify its Parking Management Plan by increasing the number of shared vehicle parking spaces onsite, submitting long-term leases for supplemental parking on properties located within 650 feet (1/8 mile) walking distance of the subject property, the use of stacking spaces or other acceptable parking management strategies, to balance the parking supply, if necessary.*
- 7) *As represented at the public hearing, within ten (10) days of Zoning Board approval of this application, and prior to the demolition of the existing structures*

*on the property (currently scheduled for April 23, 2014), the applicant shall formally notify by certified mail the Historic Neighborhood Preservation Program of their intent to demolish these structures and permit interested parties until May 15, 2014 to remove these structures or any architectural elements or other materials of personal significance. The applicant shall reasonably cooperate with any such removal efforts and will not charge any such interested party for said structures, architectural elements or materials. Applicant will submit a copy as evidence of this formal notification to the Zoning Board staff.*

- 8) *Prior to the issuance of a Building Permit, the Applicants shall submit final site and architectural plans, landscaping and streetscape plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application. The applicant shall submit an alternative color pallet for the building, illustrating the use of a lighter brick on the south and north elevations, for review by the Zoning Board staff.*

STANDARD CONDITIONS:

- 9) *Zoning Board staff shall review and approve any significant mechanical equipment installed within the view of any public street and not depicted on the Building and Site Plans submitted with the application.*
- 10) *A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 11) *Lighting plans are approved, subject to review of photometric analysis of illumination levels and final construction documents by the Zoning Board staff to confirm that no objectionable trespass lighting will occur.*
- 12) *Prior to the issuance of a Building Permit, the Applicants shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the jobsite and provide for.*
- 13) *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.*

- 14) *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Trash Management Plan, subject to final approval by Zoning Board staff.*
- 15) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 16) *The Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

Mr. Mills called a recess at 9:20pm and return to session at 9:30pm.

3. Application 214-01 – STAMFORD HOSPITAL and STAMFORD HEALTH SYSTEM, INC., Final Site & Architectural Plans

Mr. Mills read the description of the proposed project into the record.

The Board discussed the draft conditions prepared by Staff.

Ms. Gwozdzowski moved to approve application 214-01 as amended with conditions and approval of a letter to the Police Department and Traffic Division regarding the impacts on traffic of on-street parking by J&R Tour buses. Ms. McManus seconded the motion and the final site and architectural plan for Stamford Hospital were unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski). Conditions will read as follows:

**WHEREAS**, *the Zoning Board has received an application for Approval of Site Plans/Requested Uses submitted by STAMFORD HEALTH SYSTEM, INC. and THE STAMFORD HOSPITAL. Said application requests a final plan approval related to a medical office building referred to as the Integrated Care Pavilion which will contain approximately 97,400 square feet of Floor Area and will be approximately 100 feet tall;*

**WHEREAS**, *the Zoning Board conducted a duly called public hearing on March 3, 2014 and has considered the submitted comments of other interested City agencies, officials and the general public;*

**WHEREAS**, *said applications were accompanied by civil plans prepared by Redniss & Mead, dated December 20, 2013 and titled "ZLS Zoning Location Survey," "SE-1 Site Grading Plan," "SE-2 Site Utility Plan," "SE-3 Sediment & Erosion Control Plan," "SE-4 Notes & Details," "SE-5 Site Removals Plan;" landscape plans prepared by Dirtworks, PC, dated December 20, 2013 and titled "L-100 Landscape Materials Plan," "L-200 Landscape Planting Plan," "L-300 Landscape Details," "L-AS Landscape Site Plan," "L-B Landscape Blowup Plan," "L-C Character Images;" and architectural plans prepared by WHR Architects, dated December 20, 2013 and titled "A-1 Floor*

*Plan Level LG," "A-2 Floor Plan Level G," "A-3 Floor Plan Level 1," "A-4 Floor Plan Level 2," "A-5 Floor Plan Level 3," "A-6 Floor Plan Level 4," "A-7 Floor Plan Level 5," "A-8 Floor Plan Level 6," "A-9 Context Elevation," "A-10 Building Elevations," "A-11 Perspective Rendering," "A-12 Perspective Rendering," "P-S Site Photometrics," "P-G Garage Photometrics," "S-1 North-South Section," and "S-2 East-West Section" as well as a "Site Engineering Report" prepared by Redniss & Mead and dated December 20, 2013, and such related materials and exhibits constituting the application file, as may be amended to be consistent with representations made during the public hearing on March 3, 2014 and conditions contained herein; and,*

**WHEREAS,** *the Zoning Board finds that the final plan application, as herein modified, conforms to the standards, goals, purposes and specific objectives of the HCD-D Regulations and the Stamford Master Plan.*

**WHEREAS,** *the Applicants acknowledge that its current shuttle service provider J&R Tours has repeatedly violated traffic and safety regulations by parking directly in front of the street entrance to 1351 Washington Boulevard and will make every effort to ensure that its shuttle service provider immediately ceases this activity and complies with all traffic and safety regulations in connection with servicing the Applicants.*

**NOW THEREFORE BE IT RESOLVED** *that the Zoning Board approves Application 214-01 requesting Approval of Site Plan/Requested Uses related to the construction of the Integrated Care Pavilion, subject to the following conditions:*

- 1. At the opening of the Spring 2014 planting season, the Applicants shall re-implement the landscaping plan for 31 Wright Street as described in the landscape plans contained in the Phase II application binder dated June 15, 2012. Provided however, the south side of the property shall not be landscaped until the existing home at 35 Wright Street is demolished, but not later than the issuance of a certificate of occupancy for the Medical Office Building (ICP).*
- 2. As represented at the public hearing, the Applicants shall plant a total of four (4) London Plane trees (or some other comparable variety approved by Land Use staff) on the east side of the loop road directly across from the Integrated Care Pavilion.*
- 3. Prior to the issuance of a Building Permit, sewer, streetscape, and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau. Applicant shall address comments of Susan Kiskien, P.E. in her memorandum dated February 12, 2014.*



4. *Prior to issuance of a Building Permit, applicant shall obtain a discharge permit from the Stamford Water Pollution Control Authority and shall provide information requested in the February 20, 2014 memorandum from Prakash Chakravarti, P.E., Supervising Engineer, and Stephen W. Pietrzyk, Regulatory Compliance Officer.*
5. *Prior to issuance of a Building Permit, applicant shall address comments of Walter Seely, Deputy Fire Marshal in his memorandum dated January 27, 2014.*

### **NEW BUSINESS**

Mr. Mills proposed to the Board that Mr. Stein and Mr. Michelson continue to work on amendments to the regulations looking at one section at a time to propose amendments to the rest of the Zoning Board. Mr. Michelson said they have completed 80% of the definitions.

Mr. Mills discussed notification of Public Hearings. When an Applicant is required to notify abutting properties about a Public Hearing on an application in conjunction to a legal notice, a sign would be posted on the property saying when the hearing will be held. Mr. Killeen will disseminate his research on this issue.

Mr. Mills asked that the Zoning Board reach out to the historic society and obtain the top twenty properties they feel should be preserved in the City of Stamford. Martin Levine described a chartered advisory committee that is already studying this issue. Mr. Mills suggested a regulation covering this topic and suggested the topic be discussed by the Master Plan Committee and the Board of Reps Land Use committee. Mr. Killeen suggested a communication to these committees advising them of the difficulties that have arisen on historic properties coming before the Board and asking for their help in developing an inventory and identifying appropriate presentation strategies.

At a recent Planning Board meeting, someone suggested there be a bonus incentive for new construction affordable retail rentals to be at 50% of market value of ground floor retail and Mr. Mills suggests the Zoning Board consider this concept in order to attract business and make the core downtown more vibrant. Mr. Rich and Attorney Hennessey, who were still in the audience, commented that the Zoning Regulations already have density bonuses that encourage. Mr. Rich said that there is not much of a retail market right now and that's why stores are empty. He said that the best thing the Zoning Board could do to support retail use in the downtown is to encourage new housing units and use lower parking standards.

Ms. McManus made a motion to adjourn, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Mr. Mills adjourned the meeting at 10:46pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board

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